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Working Party on Customs Questions affecting Transport

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Item 6 of the provisional agenda
International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952

International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952 and a draft of a new convention on the facilitation of border crossing procedures for passengers, luggage and load–luggage carried in international traffic by rail

Submitted by the Organisation for Cooperation between Railways

Introduction

1. It is recalled that the Working Party on Customs Questions affecting Transport (WP.30) at is previous session considered the first draft of the Convention (ECE/TRANS/WP.30/2015/22) and invited delegations to submit their comments and views on it.

2. The Working Party further mandated the secretariat to prepare, in cooperation with the Organization for Cooperation between Railways (OSJD), the informal group and interested delegations, a paper containing a comparative analysis of the new convention and other relevant legal instruments, in order to facilitate considerations of the draft text of the new convention at its next session (such comparison is provided in the document ECE/TRANS/WP.30/2016/6).

3. Delegates are informed that in the light of comments made at the 141st session of WP.30 the draft Convention has been revised and was presented and considered at the sixty-ninth session of the United Nations Economic Commission for Europe (UNECE) Working Party on Rail Transport (SC.2) on 23–25 November 2015. The comments on the convention submitted to the SC.2 were published as Informal Documents and interested

delegates could consult them (their list is reproduced in the document ECE/TRANS/WP.30/2016/6).

4. SC.2 thanked the informal group for the work done and for the high quality of the prepared draft, requested interested delegations to analyse existing bilateral country agreements in the area of passengers and luggage carried by international traffic by rail which are related to a new suggested Convention and invited delegations to submit their comments on the Convention (for more details please see ECE/TRANS/SC.2/224, paras. 35–38).

5. The requested comparative analysis of the new convention with legal instruments and with bilateral agreements was published as document ECE/TRANS/WP.30/2016/6.

6. The current document contains the new draft of the new Convention prepared on the basis of comments made at WP.30 (141st session) and at SC.2 (sixty-ninth session).

7. The document is provided by OSJD and is reproduced in the form and language as received by the secretariat.

Annex

Convention to facilitate the crossing of borders in international railway transport of passengers, luggage, and baggage cargo

States participating to the present Convention, hereinafter referred to as the Parties,

Recognizing the need to facilitate and expedite the crossing of borders in international rail transport of passengers, luggage, and baggage cargo, while maintaining the effectiveness of State control,

Given the importance of the safety, convenience, comfort and high quality of passenger service,

Noting the importance of reducing the trains running time to increase the competitiveness of rail transport,

Have agreed as follows:

Chapter 1
General provisions

Article 1

For the purposes of this Convention, the following basic concepts are used:

(a) "Baggage" means things (objects) of the passenger taken by the carrier for transportation in the baggage car of a passenger train;

(b) "Rail transport infrastructure" (hereinafter infrastructure) means technological complex, including railways and other constructions, railway stations, power supply devices, communication networks, signaling systems, centralization and blocking systems, information complexes and traffic control system and other systems ensuring the operation of this complex of buildings, constructions, installations, devices and equipment;

(c) "International railway traffic" means railway transportation of passengers, luggage and baggage cargo, carried out between two or more railway stations situated in the territories of different States, as well as transportation between the stations of one State through the territory of other State(s)

(d) "Passenger" is a person who makes a journey by train on a valid travel document (ticket) or having a travel document (ticket) and boarding or disembarking at the station territory, including passenger platform directly before travel, or immediately thereafter;

(e) "Carrier" means a legal person who enters with the passenger (sender) into a contract of carriage pursuant to which he undertakes to deliver a passenger, a given by sender luggage and baggage cargo from origin to destination;

(f) "Railway checkpoint" means a railway station, where carrying out of State control is provided, as well as a specially selected in the immediate vicinity of the border stretch of terrain where the passing across the border is carried out;

(g) "Carry-on baggage" means passenger belongings carried by the passenger with him in the car without payment and not exceeding the weight and dimensions of the established norms, their safety relies on the passenger;

(h) "Cargo" means items taken by the carrier from the person or entity in accordance with the established by the legislation of the Parties order to be carried in the baggage car of a passenger train;

(i) "Infrastructure manager" is the organization authorized in accordance with the legislation of the Parties to provide services to the legal or natural persons for the use of infrastructure;

(j) "Staff" is the accompanying train group of employees of the carrier, or other organizations engaged in passenger service on the route, not being a part of the train crew;

(k) "Special control" - veterinary, sanitary and quarantine, phytosanitary and other types of State control, requiring the use of particular forms and methods of their realization.

Article 2

This Convention regulates the following issues:

(a) Organization of cooperation of the Parties and coordination of the work of bodies of State control on the facilitation of border crossing in international rail traffic;

(b) Definition of a set of measures to harmonize the conditions for State control, documentation requirements under the State control and State control procedures;

(c) Improving the efficiency of the rail crossing checkpoints and reducing the time of the State border control;

(d) Organization of coordinated work of representatives of border, customs and other State bodies that execute state control on the borders, and control of carriers of the Parties.

Article 3

1. To achieve the objectives of this Convention and practice its application mechanisms the parties shall endeavor to conclude bilateral agreements supplementing and/or clarifying its provisions.

2. The terms and conditions of bilateral agreements cannot be contrary to the provisions of this Convention.

3. The provisions of this Convention shall not prevent the application of larger simplifications that Parties grant or may wish to grant either by unilateral provisions or by virtue of bilateral or multilateral agreements provided that such simplifications do not impede the application of the provisions of this Convention.

Article 4

1. The Parties shall cooperate in order to ensure the most complete uniformity of documentation requirements or procedures in all areas related to international railway operations.

2. The Parties shall endeavor to use international standards, new technologies in the field of railway transport, in particular, the technology of automatic change of width of the wheel span depending on the gauge used, and best practices to improve the performance of rail crossing checkpoints and facilitate ongoing procedures in all areas connected with the international railway operations.

3. The Parties shall exchange practical achievements to improve the efficiency of the rail crossing checkpoints and reduce the time for State border control.

Article 5

1. When crossing the Parties' borders the Parties can carry out the following types of State control:

(a) border control;

(b) customs control;

(c) other established by the legislation of the Parties types of State control.

2. State control may be carried out at the following locations:

(a) At railway border crossing/entry checkpoints, including interchanging cars or when car's trucks change the width automatically when changing the gauge;

(b) In the train during its journey between the Parties' railway checkpoints;

(c) Partly at the railway border crossing checkpoint, partly during the train running.

Article 6

Bodies of State control of the Parties carry out concerted action to control documents of passengers and their carry-on baggage, luggage, as well as baggage cargo.

State control points, way, manner, appearance, standards for the timing of the State control, passenger data to be transferred to bodies of State control, are determined by the legislation of the Parties and individual bilateral or multilateral agreements.

The Parties may agree on the non-stop movement of the international passenger train over the railway checkpoints.

Article 7

1. When conducting the State control, the Parties shall take measures to prevent violations of the traffic schedule.

2. The infrastructure manager shall promptly inform the bodies of State control of the Parties about the train schedule and its changes, schemes of composition of international passenger trains, as well as about cancelation and (or) allocation of trains.

3. The Parties shall ensure the execution of the established by the legislation of the Parties and by individual bilateral or multilateral agreements time standards for State control, seeking to reduce these time standards through simplification and improvement of methods, technologies and technical means of State control.

Article 8

Parties when dealing with each other shall seek to reduce the use of paper documents and simplify paperwork procedures, using the electronic data interchange system for information exchange in volumes in accordance with the legislation of the Parties and bilateral or multilateral agreements.

Chapter 2
The border crossing by employees of train crews, State control officers and staff in international rail transport

Article 9

Authorized officers of the State control bodies shall be exempt from compliance with Passport and visa procedures for international rail traffic in the framework of State control execution. Providing their official documents for the right of carrying out State control shall be considered sufficient for the verification of their credentials, position and authority.

Article 10

1. The Parties shall endeavor to facilitate the procedures for issuing visas and border crossing procedures for the Parties train crews' employees and staff.

2. In accordance with the separate bilateral agreements the competent authorities of the Parties may agree on border-crossing by train crews' employees and staff in international rail transport in accordance with agreed personal lists or other means.

Chapter 3
Organization of State control

Article 11

For an orderly and accelerated passing of State control, the Parties shall endeavor to comply with the following minimum requirements for rail checkpoints, open to international passenger transport:

(a) presence of buildings (premises), installations, equipment and technical means enabling at rail checkpoints to carry out daily round-the-clock State control;

(b) infrastructure of rail checkpoints and adjacent tracks must facilitate State control without disturbing the traffic schedule;

(c) the availability of equipment, devices, information technology and communications systems that allow the exchange of preliminary information, including on passenger trains arriving to railway checkpoints;

(d) presence at railway checkpoints of required number of skilled personnel from carriers, border, customs and other State bodies in view of the volume of traffic.

Article 12

In order to confirm their authority the State control officials must wear uniforms and (or) insignia, established by the legislation of the Parties.

Chapter 4
The conduct of State control

Article 13

1. Information on passengers, luggage, and baggage cargo crossing the border is transmitted by the carriers to bodies of State control (including electronically) well in advance (in accordance with technological features).

2. If the information contains secrets protected by the legislation of a Party (governmental, commercial, banking and (or) other), persons involved in the international traffic take upon themselves obligations of non-disclosure of such information to third parties without the written consent of the person who owns or has rights to use and dispose of such information.

3. The public authorities of the Parties shall exchange information among themselves in order to enhance the effectiveness of State control and early selection of forms of State control.

Article 14

1. The parties must negotiate the place (s) of carrying out of State control by concluding separate bilateral or multilateral agreements.

2. State control may be carried out jointly by the parties' State control bodies.

3. State control may be carried out both on the territory of a Party and the train during its journey between the railway checkpoints of the Parties in accordance with the provisions of this Convention.

When the State control on the territory of one Party is performed by the other Party's bodies of State control the questions of administrative and criminal liability shall be subject to separate bilateral agreements.

Article 15

1. Regardless of the method of carrying out State control if it does not require the use of special forms and methods of control, State control is carried out directly in the cars of the train.

2. Passengers must not leave their places in accordance with the travel document (ticket) until the end of State control procedures.

3. Where necessary, the use of special forms and methods of control established by the legislation of the Parties, may be carried out in specially designated and equipped premises at railway checkpoints and (or) in cars.

Article 16

1. State control during train journey between the railway checkpoints of the Parties shall be held sequentially by bodies of State control of the Party of exit, then by bodies of State control of the Party of entrance, in accordance with the separate bilateral or multilateral agreements between the Parties.

2. Separate bilateral agreements may provide for the possibility of presence of controlling authorities of one Party in the territory of the other Party.

3. In the absence of a separate agreement on another sequence of State control on the territory of a Party the following order shall be applied:

(a) border control executed by the bodies of State control of the Party of exit;

(b) Customs and other checks carried out by the bodies of State control of the Party of exit;

(c) border control carried out by the bodies of State control of the Party of entrance;

(d) Customs and other checks carried out by the bodies of State control of the Party of entrance.

4. If there is a separate agreement on consecutive State control on the territory of one Party the following order shall be applied.

(a) Border control carried out by the bodies of State control consecutively of the Party of exit then of the Party of entrance;

(b) Customs and other checks carried out by the bodies of State control consecutively of the Party of exit then of the Party of entrance.

5. Bodies of State control of the Party of entrance carry out State control only in those parts of the train, where the State control by bodies of State control of the Party of exit has been already accomplished.

Article 17

1. The Parties shall endeavor to reduce the time standards to perform technological operations on the admission of trains at railway border checkpoints by optimizing operations, introducing modern technologies and their continuous improvement.

2. The Parties shall carry out registration of delayed trains or cars at railway checkpoints and transmit this information to the Parties involved which conduct further analysis and propose measures to reduce downtime.

Article 18

1. The competent bodies authorized in accordance with the legislation of the Parties, on the basis of separate agreements define the rail checkpoints near the border or inside of one Party in the territory of which State control is carried out.

2. In all cases where such rail checkpoints are defined, separate agreements specify a zone in which State control officials of the Parties have the right to inspect passengers crossing the border in either direction, their carry-on baggage, luggage, as well as baggage cargo.

3. State control officials of the Parties have the right to inspect passengers in a zone which typically include:

(a) Buildings, constructions and platforms attributable to rail checkpoint;

(b) Passenger trains.

Article 19

The Parties shall endeavor to arrange for State control on the route of a passenger train, especially in the following cases:

(a) When the duration of non-stop run of such trains before and after the railway checkpoint of each adjacent Party is sufficient for carrying out State control procedures;

(b) When carrying out international traffic of passenger trains with automatic resizing of trucks depending on the gauge;

(c) When using high-speed rolling stock.

Article 20

The Parties shall endeavor to arrange for state control partly being executed at railway border checkpoint, and partly in the route of a passenger train in cases where the duration of non-stop run of train before or after the railway checkpoint is sufficient for carrying out State control on the territory of only one Party.

Chapter 5
Final provisions

Article 21

1. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

2. This Convention shall enter into force immediately after the deposit of the third instrument of ratification to the Secretary-General.

3. After the entry into force this Convention shall be open for accession by any State which has not signed the Convention.

4. The instruments of accession shall be deposited with the Secretary-General of the United Nations, who shall notify about their receipt all other Parties.

5. For each State which becomes a Party to this Convention after the date of deposit of the third instrument of ratification, the present Convention shall enter into force on the ninetieth day after the deposit of the instrument of accession on behalf of the State.

Article 22

A regional economic integration organization constituted by sovereign States and having competence over certain matters governed by this Convention may similarly sign, ratify or accede to this Convention.

In this case, the regional economic integration organization shall have the rights and obligations of a Party to the extent that that organization has competence over matters governed by this Convention. In cases where the number of Parties has significance for this Convention, the regional economic integration organization shall not count as a Party, in addition to its Member States which are Parties.

Article 23

1. Any Party to this Convention may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations.

2. The Secretary-General of the United Nations shall thereupon communicate the proposed amendment to the Parties with a request that they indicate whether they favor a Conference of the Parties for the purpose of considering and voting upon the proposals.

3. At the request of not less than one third of the Parties to this Convention, the Secretary-General of the United Nations shall convene the Conference of the Parties to amend it.

4. An amendment to this Convention shall enter into force for all Parties to this Convention which have accepted it, upon the deposit with the Secretary-General of the United Nations the instruments of acceptance of the amendment by a majority of the Parties. Subsequently, it will enter into force for any remaining Party on the day of depositing to the Secretary-General of the United Nations of its instrument of accession.

5. It is believed that any instrument of ratification and accession deposited after the entry into force of an amendment to this Convention shall apply to the Convention as amended.

Article 24

1. Any disputes concerning the interpretation or application of this Convention between the Parties, which within a reasonable time cannot be resolved through negotiations and consultations, with the express consent of all the Parties involved in the dispute shall be submitted to the Arbitration Board.

2. Each of the Parties to the dispute shall designate to the Arbitration Board one arbitrator within one month from the date on which the Parties agreed to submit the dispute to the Arbitration Board. The Chairman of the Arbitration Board shall be appointed by the Secretary-General of the United Nations.

3. The Arbitration Board shall decide by a majority vote. In the event of a tie, the vote of the Chairman of the Arbitration Commission is crucial.

4. The decision of the Arbitration Board is binding on the disputing parties.

Article 25

1. This Convention may be denounced by so notifying by the Party concerned of the Secretary-General of the United Nations, which, in turn, shall notify the other Parties. After expiration of the six-month period from the date of receipt of such notification by the Secretary-General of the United Nations Convention loses its legal force in relation to the Party which has denounced it.

2. If, after the entry into force of this Convention, the number of Parties is reduced, as a result of denunciations, to less than three, this Convention shall cease to have effect from the date on which the last of such denunciations takes effect.

Article 26

1. This Convention, texts of which in _____, _____ and _____ languages being equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall transmit certified copies of it to the signatory or acceding States.

2. After the entry into force of this Convention, the Secretary-General of the United Nations registers it in accordance with article 102 of the Charter of the United Nations.

In witness thereof, the undersigned plenipotentiaries, being duly authorized by their respective Governments, have signed this Convention.

Done in _____ in _____ instances, on _____ (date).

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International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail, of 10 January 1952 and a draft of a new convention on the facilitation of border crossing procedures for passengers, luggage and load–luggage carried in international traffic by rail

Submitted by the Organisation for Cooperation between Railways

Introduction

1. It is recalled that the Working Party on Customs Questions affecting Transport (WP.30) at is previous session considered the first draft of the Convention (ECE/TRANS/WP.30/2015/22) and invited delegations to submit their comments and views on it.

2. The Working Party further mandated the secretariat to prepare, in cooperation with the Organization for Cooperation between Railways (OSJD), the informal group and interested delegations, a paper containing a comparative analysis of the new convention and other relevant legal instruments, in order to facilitate considerations of the draft text of the new convention at its next session.

3. Delegates are informed that in the light of comments made at the 141st WP.30 session the draft Convention has been revised and was presented and considered at the session of United Nations Economic Commission for Europe (UNECE) Working Party on Rail Transport (SC.2) on 24–26 November 2015. The comments on the convention submitted to the SC.2 were published as Informal Documents and interested delegates could consult them (their list is reproduced below).

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4. The Working Party on Rail Transport (SC.2) thanked the informal group for the work done and for the high quality of the prepared draft, requested interested delegations to analyse existing bilateral country agreements in the area of passengers and luggage carried by international traffic by rail which are related to a new suggested Convention and invited delegations to submit their comments on the Convention (for more details please see ECE/TRANS/SC.2/224 paras. 35–38).

5. This document contains a comparative analysis of the new convention with other legal instruments (see Annex I), as well as a comparative analysis of the convention and of bilateral agreements (see Annex II) and a list (prepared by OSJD) of documents/decisions, where a need for new convention was noted by the governments and business operators (see Annex III). The document is submitted by OSJD and is reproduced in the language and format as received by the secretariat.

6. The new draft of a Convention prepared on the basis of comments made at WP.30 (141st session) and at SC.2 (sixty-ninth session) is contained in the document ECE/TRANS/WP.30/2016/5.

7. List of informal documents on a convention from the session of the Working Party on Rail Transport (SC.2, 23–25 November 2015):

- Informal document SC.2 No. 8 (2015) – (Euro-Asian Economic Commission) New convention on the facilitation of crossing of frontiers for passengers and baggage carried by rail
- Informal document SC.2 No. 11 (2015) – (Informal Group of experts on the new Convention) New convention on the facilitation of crossing of frontiers for passengers and baggage carried by rail (incorporating comments received from Euro-Asian Economic Commission).
- Informal document SC.2 No. 12 (2015) – (Informal Group of experts on the new Convention) New convention on the facilitation of crossing of frontiers for passengers and baggage carried by rail (incorporating comments received from Belarus).
- Informal document SC.2 No. 13 (2015) – (Belarus) New convention on the facilitation of crossing of frontiers for passengers and baggage carried by rail.
- Informal document SC.2 No. 14 (2015) – (Switzerland) New convention on the facilitation of crossing of frontiers for passengers and baggage carried by rail.
- Informal document SC.2 No. 15 (2015) – (Informal Group of experts on the new Convention) New convention on the facilitation of crossing of frontiers for passengers and baggage carried by rail (Comparative analysis with other Conventions).
- Informal document SC.2 No. 16 (2015) – (Informal Group of experts on the new Convention) New convention on the facilitation of crossing of frontiers for passengers and baggage carried by rail (List of documents showing the need in a new Convention).
- Informal document SC.2 No. 17 (2015) – (OSJD) New convention on the facilitation of crossing of frontiers for passengers and baggage carried by rail (Explanatory note on the new Convention).

Annex I

A comparative analysis of existing international agreements and a new Convention draft elaborated by the Russian party to facilitate the crossing of frontiers in the international railway transport of passengers, baggage, cargo

The comparison criterion	*Convention to facilitate the crossing of frontiers for passengers and baggage carried by railway transport (Geneva, January 10, 1952)*	*International Convention on the simplification and harmonization of customs procedures (executed in Kyoto on May 18, 1973) (as amended by the Protocol of June 26, 1999)*	*International Convention on the harmonization of frontier controls of goods (Geneva, October 21, 1982)*	*A draft of the new Convention to facilitate the crossing of frontiers in the international railway transport of passengers, baggage, cargo*
The general scope of regulation	The Convention is designed to facilitate the crossing of frontiers for passengers and baggage carried by railway. The Convention regulates the transportation of both passengers and baggage and cargo in international passenger trains.	The Convention is a universal codified international legal instrument in the area of customs regulating virtually to all customs issues. Thus the main subject is moving goods across borders. The Convention is aimed at simplifying and harmonizing customs procedures. The main part of the Convention and General Annex are legally binding. Special Annexes are not legally binding, and the country has the right to choose whether to join them or not.	The Convention applies to all imported, exported and transit goods crossing one or more maritime, air or land borders. The Convention is aimed at breaking down barriers in foreign trade and facilitating the movement of goods through the reduction in requirements for the implementation of the formalities, as well as a reduction in the number and duration of control measures, in particular through national and international coordination of control procedures and methods of implementation of control measures	The Convention is designed to facilitate the crossing of frontiers for passengers and baggage carried by railway. The draft of the new Convention is designed adjusted for the realities of passenger transport and regulates exclusively transport of passengers, baggage and cargo
Composition of participants	10 participating States. Only European States, no international organizations	101 participating States worldwide and one international organization, the European Union.	56 participating States worldwide and one international organization, the European Union.	It is expected the participation of both European and Asian States to implement new projects on routes between Europe and Asia.
Objectives	The Convention aims at facilitating the crossing of frontiers for passengers and baggage carried by railway.	The objective of the Convention is to eliminate discrepancies in customs procedures of the States participating to the Convention, to simplify and facilitate international trade and	The Convention aims at reducing the requirements for completing formalities as well as the number and duration of controls, in particular through national and international	The Convention aims to achieve the following objectives: 1. facilitating and accelerating border crossing with preservation of the effectiveness of state control

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The comparison criterion	*Convention to facilitate the crossing of frontiers for passengers and baggage carried by railway transport (Geneva, January 10, 1952)*	*International Convention on the simplification and harmonization of customs procedures (executed in Kyoto on May 18, 1973) (as amended by the Protocol of June 26, 1999)*	*International Convention on the harmonization of frontier controls of goods (Geneva, October 21, 1982)*	*A draft of the new Convention to facilitate the crossing of frontiers in the international railway transport of passengers, baggage, cargo*
		other international exchanges, while maintaining effective customs control.	coordination of control procedures and methods of their application.	through the use of international standards; 2. increasing the use of new technologies in the field of rail transport, in particular, the technology of automatic changes in the width of the wheel span used, high-speed rolling stock; 3. reducing the time standards for doing technological operations on the reception of trains at railway stations, reducing the time standards for state control; 4. ensuring the convenience, comfort and the highest quality of service for passengers while reducing time in route for trains.
Relevance	The Convention was adopted in 1952 and during its lifetime did not undergo any changes. Irrelevant are the provisions of the 1952 Convention on the carriage of goods in international passenger trains. Currently, cargo transportation in passenger transport is not carried out, because of the difference in technical requirements for passenger and freight transport.	The provisions of the Convention are formulated not as rules of direct action, but in the form of principles designed to elaborate on their basis the specific rules of regulation of certain procedures. In response to developments in world trade, in 1999 the Convention had been amended, and today it is known as the revised Kyoto Convention.	Annex 9, devoted to railway transport, facilitation of border crossing by railways and cargo control by way of reduction, harmonization and coordination of procedures and documentation, entered into force in November 2011.	The draft of the new Convention has been prepared ***in accordance with the relevant international treaties***. In the draft of the new Convention also was introduced a glossary containing the actual terms used in international practice. For example, concepts are used such as "special control", "infrastructure manager", "staff". Term "railway checkpoint" is used, reflecting the realities of passing state control both at the railway station and in other areas, located in the immediate vicinity of the state border. Also

The comparison criterion	*Convention to facilitate the crossing of frontiers for passengers and baggage carried by railway transport (Geneva, January 10, 1952)*	*International Convention on the simplification and harmonization of customs procedures (executed in Kyoto on May 18, 1973) (as amended by the Protocol of June 26, 1999)*	*International Convention on the harmonization of frontier controls of goods (Geneva, October 21, 1982)*	*A draft of the new Convention to facilitate the crossing of frontiers in the international railway transport of passengers, baggage, cargo*
				with a view of bringing terminology to uniformity in the draft of the Convention was introduced the term "baggage cargo" used in the documents of OSJD
Particulars of the control procedure	It is provided that police control and customs inspection in the international train are made as far as possible during running, if they are more efficient and at the same time more convenient for passengers.	In accordance with the Standard rule 3.4 of the General Annex to the Kyoto Convention on the common border crossing checkpoints the customs services of neighboring states, whenever possible, carry out joint customs control.	Subparagraph «a» art. 7 of the International Convention on the harmonization of frontier controls of goods from October 21, 1982 provides that whenever a common inland frontier is crossed, the parties concerned shall, whenever possible, take appropriate measures to facilitate the carriage of goods, in particular by organizing joint control of goods and documents, through shared facilities.	Points of exercising state control are clearly defined. In addition to the prescribed in the Convention of 1952 control techniques – at the station and on the route, a new Convention introduces a control technique that allows making inspections partly at the station, and partly on the route. This technique is relevant in the case where the duration of non-stop running of trains before or after border railway station is sufficient for implementation of state control on the territory of only one state.
The application of new technologies and best practices	Not provided	It is established the principle of modern customs control techniques application as well as the widest possible use of information technologies. Each Annex to the Convention contains recommended rules that are not part of the text having the force of law, and should be considered as "advanced" and "best" practices.	The Contracting Parties shall ensure compliance with bilateral agreements on standards of time to perform operations on the reception and transfer of trains at border (transfer) stations, including all types of the control, and seek to reduce time standards by improving technologies and technical means. Also, in accordance with article 13 new applications for other types of control can be included in the Convention, following the established	An important innovation is ***to confirm the intention of the parties to the Convention to use international standards, new technologies in the field of railway transport***, in particular, the technology of automatic change of the width of the wheel span used, and ***the best practices*** to improve the performance of railway crossing checkpoints and to ease procedures in all areas related to international railway traffic.

The comparison criterion	*Convention to facilitate the crossing of frontiers for passengers and baggage carried by railway transport (Geneva, January 10, 1952)*	*International Convention on the simplification and harmonization of customs procedures (executed in Kyoto on May 18, 1973) (as amended by the Protocol of June 26, 1999)*	*International Convention on the harmonization of frontier controls of goods (Geneva, October 21, 1982)*	*A draft of the new Convention to facilitate the crossing of frontiers in the international railway transport of passengers, baggage, cargo*
			procedure.	
Requirements for checkpoints	Article 4 provides that the competent administrations of the countries concerned define on the basis of specific agreements the premises necessary for the services of a neighboring country, within specified zone and the conditions under which railway administration of the country in whose territory the station is situated provides furniture, lighting, heating, cleaning services, telephony capabilities, etc. in these premises.	Not provided	The following are minimum requirements for border (transfer) stations: 1. availability of buildings (premises), structures, facilities and technical equipment enabling executing daily and round-the-clock controls on border (transfer) stations, if this is justified and corresponds to the volume of freight transport; 2. Border (transfer) stations where phytosanitary, veterinary and other types of control are conducted, should be equipped with technical means; 3. The carrying and traffic capacity of border (transfer) stations and adjacent tracks must be adequate to the volume of traffic; 4. The existence of zones of control and warehouse infrastructure for the temporary storage of goods subject to customs or other forms of control; 5. Presence at border (transfer) stations of required qualified personnel of railways, customs, border and other bodies in accordance with the volume of transported goods;	Article 11 of the Convention defines the need for compliance by the parties with the minimum requirements for railway checkpoints, open for international passenger traffic, including the availability of equipment, devices, information systems and communication means that allow the exchange of preliminary information, including on arriving passenger trains to railway checkpoints.
Particulars of information transmission	On all major routes, the Contracting Parties shall provide direct telephone communication between border	To improve customs control the Customs authorities should, wherever possible, use information technologies.	Border (transfer) stations shall be equipped with technical means, information technologies and communications systems to	Article 13 of the Convention provides that the Parties may determine in separate agreements the amount of

The comparison criterion	*Convention to facilitate the crossing of frontiers for passengers and baggage carried by railway transport (Geneva, January 10, 1952)*	*International Convention on the simplification and harmonization of customs procedures (executed in Kyoto on May 18, 1973) (as amended by the Protocol of June 26, 1999)*	*International Convention on the harmonization of frontier controls of goods (Geneva, October 21, 1982)*	*A draft of the new Convention to facilitate the crossing of frontiers in the international railway transport of passengers, baggage, cargo*
	stations of neighboring countries for the needs of railway services and shall endeavor to facilitate and accelerate the development of private telephone communication. On the basis of a bilateral agreement, direct telephone communications can be arranged also for other public services.	Applications of information technologies may be collecting and processing data, documentary control, risk management system, etc.	be able to receive and utilize data on technical evaluation and verification of rolling stock that is held by official bodies and railways within their competencies, prior to the arrival of the rolling stock in these stations if the Contracting Parties do not enact alternative measures that perform these functions.	information required for implementation of state control. Also are established ***particulars of transfer by carriers to bodies of state control of information on passengers, baggage cargo, containing secrets protected by the legislation of the participating State.***
Visa issues	Not resolved	Not resolved	Contracting Parties should endeavor to facilitate the procedures for issuing visas to locomotive crews, refrigerated units crews, persons accompanying freight shipments and staff at border (transfer) stations, participating in international railway transport, in accordance with the positive experience in the field in respect to all applicants. Border crossing order for these persons is determined on the basis of bilateral agreements. When executing a joint control border guards, customs officers and other bodies staff performing control functions at border (transfer) stations shall, while exercising their official duties, cross the state border using documents stipulated by the parties for their citizens.	In accordance with the draft of the new Convention the Contracting Parties shall endeavor to facilitate the issuance of visas, as well as to agree on crossing borders by train crews and office staff in accordance with the agreed personal lists.

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The comparison criterion	*Convention to facilitate the crossing of frontiers for passengers and baggage carried by railway transport (Geneva, January 10, 1952)*	*International Convention on the simplification and harmonization of customs procedures (executed in Kyoto on May 18, 1973) (as amended by the Protocol of June 26, 1999)*	*International Convention on the harmonization of frontier controls of goods (Geneva, October 21, 1982)*	*A draft of the new Convention to facilitate the crossing of frontiers in the international railway transport of passengers, baggage, cargo*
The possibility of involvement of regional organizations	Not provided	Any customs or economic Union may become a Contracting Party to this Convention.	The Convention is open to participation in the field of economic integration by all States and regional organizations consisting of sovereign States competent in respect of the negotiation, conclusion and application of international agreements in matters covered by the Convention.	The final clauses of the draft of new Convention ***provide for the possibility of participation as a party of regional economic integration organizations.***
The existence of an independent clause, allowing parties to conclude bilateral agreements	Not provided	Mechanisms for the implementation of the laid down in the Convention principles of control at the border are the expression of the will of States and shall be carried out within the framework of international treaties.	In accordance with article 6 the Contracting Parties shall undertake to cooperate with each other and resort to the necessary cooperation with the competent international bodies to achieve the objectives of this Convention, as well as to endeavor concluding, where necessary, new multilateral or bilateral treaties or agreements.	Expanded, but limited list of issues (mode, type, procedure, points of State control, time standards to complete state control and other) falls into regulation under separate agreements. New Convention introduces a standalone article that allows its participants to enter bilateral agreements supplementing and clarifying the provisions of the Convention.
Dispute settlement procedure	Article 15 establishes the general rule that any dispute between any two or more parties about the interpretation or application of the Convention, which the parties are unable to settle by negotiation or other means may be, at the request of any interested party, submitted for authorization by the Arbitration Commission, to	Article 14 establishes the general rule that any dispute between two or more parties about the interpretation or application of this Convention shall, if possible, be settled by negotiation between them. If no agreement is reached, the dispute is passed to Steering Committee, which shall consider the matter and make	The resolution of possible disputes between the parties is governed by article 20 of the Convention. It provides that any dispute between the parties concerning the interpretation or application of the Convention should, if possible, be settled by negotiation or other means of settlement. If a settlement of the dispute through negotiation is	The procedure for settlement of disputes is worked out in more details. So, disputes between the parties concerning the interpretation or application of the Convention, are transmitted to the consideration by the Arbitration Commission. At the same time, the draft stipulates the transmission of dispute to be held only in case of the consent

The comparison criterion	*Convention to facilitate the crossing of frontiers for passengers and baggage carried by railway transport (Geneva, January 10, 1952)*	*International Convention on the simplification and harmonization of customs procedures (executed in Kyoto on May 18, 1973) (as amended by the Protocol of June 26, 1999)*	*International Convention on the harmonization of frontier controls of goods (Geneva, October 21, 1982)*	*A draft of the new Convention to facilitate the crossing of frontiers in the international railway transport of passengers, baggage, cargo*
	which each country nominates one Member and whose Chairman is appointed by the Secretary-General of the United Nations and, in the event of equally divided votes, the vote of the Chairman shall be decisive.	recommendations for its settlement. In this case, the parties to a dispute may agree in advance that the recommendations of the Steering Committee will be binding on them.	not reached, then it shall, at the request of one of the disputing parties, be passed to the arbitration court.	of disputing parties because the Commission's decision is binding on the disputing Parties.

Annex II

A comparative analysis of existing bilateral agreements and a new Convention draft elaborated by the Russian party to facilitate the crossing of frontiers in the international railway transport of passengers, luggage, baggage cargo

The comparison criterion	*Agreement between the Government of the Russian Federation and the Government of the Republic of Finland on the Finnish-Russian direct international railway traffic (St. Petersburg, April 28, 2015)*	*A draft of the new Convention to facilitate the crossing of frontiers in the international railway transport of passengers, luggage, baggage cargo*
The general scope of regulation	Defines the common law governing the contract of carriage for direct international railway traffic between the Russian Federation and the Republic of Finland. Regulates both passenger and cargo traffic. Specifies both the border crossing procedure and general conditions of contract of carriage of passengers, baggage and cargo. At the same time articles on border crossing procedures regulate largely technical issues of transfer of rolling stock and infrastructure inspection. Has limitations in scope (does not apply to the transport to the Kaliningrad railway stations, except for railway-ferry service, to the Russian Railways stations located on the territory of the Republic of Kazakhstan, and in both cases - in the opposite direction).	The Convention is designed to facilitate the crossing of frontiers for passengers and baggage carried by railway. The draft of the new Convention is designed adjusted for the realities of passenger transport and regulates exclusively transport of passengers, luggage and baggage cargo
Composition of participants	The Russian Federation, the Republic of Finland	It is expected the participation of both European and Asian States to implement new projects on routes between Europe and Asia.
Objectives	Continuation of further cooperation and collaboration between the Republic of Finland and the Russian Federation in the field of railway transport, as well as the preservation of the security of railway traffic at the highest level.	The Convention aims to achieve the following objectives: 1. facilitating and accelerating border crossing with preservation of the effectiveness of state control through the use of international standards; 2. increasing the use of new technologies in the field of rail transport, in particular, the technology of automatic changes in the width of the wheel span used, high-speed rolling stock; 3. reducing the time standards for doing technological operations on the reception of trains at railway stations, reducing the time standards for state control; 4. ensuring the convenience, comfort and the highest quality of service for passengers while reducing time in route for trains.
Relevance	The Agreement on direct international railway transport	The draft of the new Convention has been prepared ***in accordance***

The comparison criterion	*Agreement between the Government of the Russian Federation and the Government of the Republic of Finland on the Finnish-Russian direct international railway traffic (St. Petersburg, April 28, 2015)*	*A draft of the new Convention to facilitate the crossing of frontiers in the international railway transport of passengers, luggage, baggage cargo*
	between the Russian Federation and Finland, signed on April 28, 2015 in St. Petersburg (hereinafter the Agreement), to date, has not entered into force. In accordance with the second paragraph of article 71 of the Agreement this document enters into force 30 (thirty) days from the date of exchange of instruments of ratification. The Russian Federation Ministry of transport prepared a draft of federal law on ratification of the Agreement for the continued provision to the Federal Assembly of the State Duma of the Russian Federation. Currently, there are: • The Agreement between the Government of the Russian Federation and the Government of the Republic of Finland on the Finnish-Russian railway traffic from April 16, 1996; • Frontier railway agreement concluded between the Ministry of railroads of the Union of Soviet Socialist Republics and the Ministry of railroads and public works of Finland from December 19, 1947, taking into account the changes made to it; • Terms of carriage of passengers, luggage, baggage cargo and cargo in Finnish-Russian railway traffic from April 26, 2005 between the Russian Federation and the Republic of Finland.	***with the relevant international treaties***. In the draft of the new Convention also was ***introduced a glossary*** containing the actual terms used in international practice. For example, concepts are used such as "special control", "infrastructure manager", "staff". Term "railway checkpoint" is used, reflecting the realities of passing state control both at the railway station and in other areas, located in the immediate vicinity of the state border. Also with a view of bringing terminology to uniformity in the draft of the Convention was introduced the term "baggage cargo" used in the documents of OSJD
Particulars of the control procedure	Not provided	Points of exercising state control are clearly defined. In addition to the prescribed in the Convention of 1952 control techniques – at the station and on the route, a new Convention introduces a control technique that allows making inspections partly at the station, and partly on the route. This technique is relevant in the case where the duration of non-stop running of trains before or after border railway station is sufficient for implementation of state control on the territory of only one state.
The application of new technologies and best practices	Not provided	An important innovation is ***to confirm the intention of the parties to the Convention to use international standards, new technologies in the field of railway transport***, in particular, the technology of automatic change of the width of the wheel span

The comparison criterion	*Agreement between the Government of the Russian Federation and the Government of the Republic of Finland on the Finnish-Russian direct international railway traffic (St. Petersburg, April 28, 2015)*	*A draft of the new Convention to facilitate the crossing of frontiers in the international railway transport of passengers, luggage, baggage cargo*
		used, and ***the best practices*** to improve the performance of railway crossing checkpoints and to ease procedures in all areas related to international railway traffic.
Requirements for checkpoints	Technical equipment of the border railway stations and railway infrastructure located between the border stations must ensure compliance with the safety requirements of trains at the border railway traffic, fulfilment of operations associated with the reception and transfer of the rolling stock, execution of required forms of control in accordance with the applicable legislation of the States.	Article 11 of the Convention defines the need for compliance by the parties with the minimum requirements for railway checkpoints, open for international passenger traffic, including the availability of equipment, devices, information systems and communication means that allow the exchange of preliminary information, including on arriving passenger trains to railway checkpoints.
Particulars of information transmission	Exclusively is regulated information transfer between carriers, passing their rolling stock for traffic on a railway network of the other Party.	Article 13 of the Convention provides that the Parties may determine in separate agreements the amount of information required for implementation of state control. Also are established ***particulars of transfer by carriers to bodies of state control of information on passengers, luggage, baggage cargo, containing secrets protected by the legislation of the participating State.***
Visa issues	Staff involved in the implementation of border traffic and responsible for transport, may arrive without visas at the border railway station of the other Party to perform at the station or on the track between the border station and the frontier their responsibilities on conducting train that operates in direct international rail traffic in accordance with the Agreement, on reception and transfer of the rolling stock, as well as on the technical inspection of rolling stock. At that time members of staff must present to border control authorities of the Parties States the existing official identity card or passport. Staff lists are formed by carriers and presented if necessary to border control authorities of the Parties States.	In accordance with the draft of the new Convention the Contracting Parties shall ***endeavor to facilitate the issuance of visas***, as well as to agree on crossing borders by train crews and staff in accordance with the agreed personal lists.
The possibility of involvement of regional organizations	Not provided	The final clauses of the draft of new Convention ***provide for the possibility of participation as a party of regional economic integration organizations.***
Dispute settlement procedure	Disagreements between the parties arising from the interpretation and implementation of the Agreement shall be settled by negotiation between the competent authorities of the States Parties. If, in the course of negotiations conducted	The procedure for settlement of disputes is worked out in more details. So, disputes between the parties concerning the interpretation or application of the Convention, are transmitted to the consideration by the Arbitration Board. At the same time, the

The comparison criterion	*Agreement between the Government of the Russian Federation and the Government of the Republic of Finland on the Finnish-Russian direct international railway traffic (St. Petersburg, April 28, 2015)*	*A draft of the new Convention to facilitate the crossing of frontiers in the international railway transport of passengers, luggage, baggage cargo*
	in accordance with the Agreement, disagreements are not overcome, they will be resolved through diplomatic channels	draft stipulates the submission of dispute for settlement will be effected only in case of the consent of disputing parties because the Board's decision is binding on the disputing Parties.
The existence of an independent clause, allowing parties to conclude bilateral agreements	Not provided	Expanded, but limited list of issues (mode, type, procedure, points of State control, time standards to complete state control and other) falls into regulation under separate agreements. New Convention introduces a standalone article that allows its participants to enter into bilateral agreements supplementing and clarifying the provisions of the Convention.

Annex III

List of policy documents highlighting the need to simplify border crossing conditions on the frontiers

Policy documents of the Organization for security and cooperation in Europe (OSCE)	**Concept in the field of border security and boundary regime in the OSCE member countries (adopted in December 2005, in Ljubljana on 13th meeting of the OSCE Council of Ministers of foreign affairs)** • OSCE participating States have undertaken to ensure openness and security of boundaries and develop mutually beneficial inter-State cooperation as well as promote and share best practices • cooperation between participating States should create conditions for the implementation of recognized by participating States standards in the field of border security and boundary regime, as well as for improving them, in particular by sharing information on best practices • the need for the exchange of best practice and information on the availability of resources, covering all available international experience, including new technologies and know-how, for example on rapid but effective border control measures, the construction of checkpoints and other • OSCE contribution form also includes the promotion of free and safe movement of people across borders **Report on the activities of the OSCE in June 2009 - May 2010** • were defined the basic directions of regional cooperation in the field of transport safety and facilitation of border crossing • the report notes that in Turkmenistan was held a regional Conference on the theme "Strengthening cooperation on railway border crossings in Central Asia", where there were considered questions about the role of international legal instruments in the development of passenger and goods transport by railway, the harmonization of railway documentation and applying international best practices
Policy documents of the UN Economic Commission for Europe (UNECE), United Nations Economic Commission for Asia and the Pacific on the development of Euro-Asian transport links (UNESCAP)	**Special Program for the economies of Central Asia (SPECA)** • stresses the particular importance of improving the legal framework of the Central Asian countries, harmonization of tariff regulation norms and standards, the development of transit • It is noted that, in order to simplify border crossing all Central Asian States joined 7 UN international conventions relating to land transport, including UNESCAP resolution 48/11 on road and railway transport measures to facilitate traffic **UNECE-UNESCAP programs for the development of Euro-Asian transport links (2001)** • formulated general proposals on possible ways of improving such potential alternative routes and eliminating "non-physical" barriers, including the facilitation of border crossing procedures and trade facilitation, establishment of national coordination mechanisms **Declaration of the Third International Euro-Asian Conference on transport (Russia, St.-Petersburg, 11–12 September 2003)** • recommended initiative to develop an integrated Euro-Asian transport system in the area of improving and streamlining of customs procedures and border-crossing

List of policy documents highlighting the need to simplify border crossing conditions on the frontiers

	facilitation in customs, sanitary, veterinary and phytosanitary control
	Declaration on the promotion of Euro-Asian railway transport and the creation of a unified railway law (signed in Geneva on February 26, 2013)
	• establishes as one of the priority objectives of the development of railway transport introduction of one set of transparent and predictable regulations and legal provisions governing the Euro-Asian railway transport operations in all countries concerned, allowing to simplify border crossing procedures, especially in the case of transit
Policy documents of the European Commission	**The concept of integrated border management (hereinafter IBM)**
	• aims to promote the legitimate movement of people and goods while ensuring border security and compliance with national legislation
	• is implemented through cooperation and coordination among all relevant authorities and services responsible for boundary regime, such as border guards, customs, veterinary and phytosanitary inspection, Ministry of transport and migration services, emphasizing the special role of international cooperation
	The White Book of the European Commission ("EU transport policy for 2010. Time to decide", 2001)
	• defines the prospects of development of transport system in the European Union, in particular in the field of border crossing facilitation
Policy documents of the Asian Development Bank (ADB)	**Strategy and program of regional cooperation by ADB (S.P.R.C.) for countries participating in Central Asia Regional Economic Cooperation Program (CAREC) (2005-2007)**
	• the regional transport sector road map focuses on harmonization and simplification of cross-border transport procedures, documentation and regulations between countries with a view to creating a level playing field for transport operators and to promoting efficiency, as well as the development of better quality services
	Transport and trade facilitation strategy for 2008-2017 under CAREC framework
	• is initiated by the Asian Development Bank (ADB) and determines the directions and priorities in the development of regional transport and trade facilitation
	• has three main objectives: to create competitive transport corridors in the region; facilitate the efficient movement of goods and people across the borders; develop safe "friendly to the people" transport systems

List of policy documents highlighting the need to simplify border crossing conditions on the frontiers

Other policy documents	**The concept of coordinated control on the borders of the World Customs Organization** • Is outlined in the World Customs Organization Research Paper No. 2 "Coordinated Border Management – a concept paper". • The term "coordinated border management" refers to a coordinated approach of border-control services - both national and international - to more effective management of inventory and people flow, while respecting the established requirements. **The concept of border management through cooperation of the World Bank** • is based on the idea that in today's global economy, controlling services at the border and the international trading community must act together and pursue common goals for the benefit of all stakeholders